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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,713	06/26/2000	Richard A. Ross	68037526-2000	2885

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EXAMINER

ALAM, HOSAIN T

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 09/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/602,713

Applicant(s)

ROSS, RICHARD A.

Examiner

Hosain T Alam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-31 is/are pending in the application.
- 4a) Of the above claim(s) 24-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 24-31 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 22-31 are pending in this Office Action. Claims 23-31 are new claims.

Information Disclosure Statement

The information disclosure statement filed in Paper No. 8 has been considered.

Response to Arguments

Applicant's arguments filed in Paper No. 8 with respect to claim 22 have been fully considered but they are not persuasive for the reasons are set forth below.

The applicant argues (page 5, the upper half of the page, Amendment, Paper No. 8) that the Hamby reference does not teach the method of resolving code having a plurality of types of code structure, the code structure including a plurality of index references because Hamby states that the entire program has only one persistent symbol table. The applicants appears to have interpreted the symbol table of Hamby as a single list and argues that Hamby has only one list, not a plurality of lists as required by claim 22.

Contrary to the applicant's view, Hamby teaches a compiler symbol table as a "large set of heterogeneous data objects ... for which the relationships are defined by direct memory references (see col. 12, lines 1-3) wherein the data objects are code objects equivalent to the code structures as claimed. The inquiry whether the symbol table is persistent or not, is irrelevant. See col. 9, lines 45-50: The persistent symbol table taught herein enables the storage of the results of byte code compilation as code

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objects, thus eliminating the need to compile the code each time the program is loaded. This course gives rise to significant advantages in computational efficiency over the prior byte code compiler.

The code objects in Hamby are derived by compiling streams of byte codes, such as Java codes (see Fig. 13; col. 27, lines 44-55) and the incremental imager uses the code objects to update a program image. The program image is stored in a non-persistent memory. The applicant's argument that Hamby teaches only one list and that the IL symbol table is the only list ^{is} not persuasive because Hamby utilizes the IL symbol table as a list to update an image by incorporating the new code objects, as necessary. The code objects of Hamby are described in col. 12, lines 47-54. The index reference required by claim 22 is found in the Hamby symbol table because it provides references to the code objects. The symbol table of Hamby is build incrementally and a particular code object is stored only once and not repeated. Hamby thus teaches the step of replacing as recited in claim 22.

In addition, the fact that Hamby discusses one persistent symbol table for the entire program is irrelevant because the applicant has not pointed to any limitations in claim 22 to distinguish the claimed code structures over the code objects of Hamby.

The rejection of claim 22 as set forth in Paper No. 5 is hereby maintained.

Claim 23 is rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 5,848,274 issued to Hamby et al. ("Hamby") because Hamby teaches byte codes such as Java (col. 9, lines 16-17).

New claims are directed to a different and distinct invention

Newly submitted claims 24-31 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original claims are directed to a method of resolving codes having code structures by utilizing index references while the new claims are directed to transmitting computer codes to a user system apparently from a server which requires a search in a client-server and/or network environment.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 24-31 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosain T. Alam whose telephone number is (703) 308-6662. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6606 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305 3800.

The following contact numbers may also be used:

TC 2100 After Finals number is 703-746-7238

TC 2100 Official Fax number is 703-746-7239

TC 2100 Customer Service Center is 703-746-7240



Hosain T Alam
Primary Examiner
Art Unit 2172

August 29, 2002